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LETTER DATED 25 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In response to the Secretary-General's report of 19 May 1994 (S/1994/600), pursuant to Security Council resolution 913 (1994), we would like to make the following comments and observations:

I. GENERAL

1. We are appreciative of, and will continue to welcome, the efforts of the many individuals, organizations and nations in providing assistance to improve the overall humanitarian and political situation in the Republic of Bosnia and Herzegovina. Such efforts can contribute positively to lessening suffering, saving lives and bringing peace.

2. For exactly the latter reason, and being fully aware of the delicate situation of the United Nations Protection Force (UNPROFOR) and other United Nations representatives in the Republic of Bosnia and Herzegovina, we are in despair at having repeatedly to respond to the Secretary-General's reports on this issue by correcting implicit or explicit misperceptions or reflections conveyed in the reports. We take no pleasure in being placed in a diplomatically adversarial position with any representatives of the Secretariat. Quite the contrary.

3. Too often we find the reports stretching to equate the behaviour of "the parties" in moral, legal or diplomatic terms in order, we suppose, to convey the image of "evenhandedness". The more UNPROFOR and international efforts on the whole in the Republic of Bosnia and Herzegovina are confronted by Serbian obstructionism and even deliberate targeting, the greater the attempt to balance the "scorecard" and assess blame on all. There has been all along a reluctance to identify the Serbians as the aggressors in the conflict and the perpetrators of genocide despite the numerous analyses of the events by independent United Nations-mandated observers, including the Special Rapporteur and the War Crimes Commission. What is causing more despair is that there is an unspoken fear of identifying the Serbians as the overwhelming and determining

obstacle to peace, in order to avoid calling for the appropriate, logical and legal response of the international community. The most recent examples of Serbian violations of United Nations-designated safe areas, United Nations/North Atlantic Treaty Organization (NATO)-defined exclusion zones, and even attacks on United Nations-mandated personnel, we believe, are a more than ample illustration of the latter conclusion.

4. Finally, we believe there is a continuing tendency to delegitimize the Government of the Republic of Bosnia and Herzegovina and its defence forces while raising the legitimacy of the Serbian military and political elements in the Republic of Bosnia and Herzegovina. This additional attempt at "equating the parties" and "evenhandedness" is most troubling when Jnited Nations Security Council resolutions are ignored or effectively redefined to apply the same status and demands on all, despite very deliberate and careful drafting by the Security Council.

II. COMMENTS

5. We hold the view that the Secretary-General's report, paragraphs 3 and 4 in particular, should have indicated that the Serbian onslaught against Gorazde continued on 23 April 1994 after, and in violation of, the United Nations/NATO ultimatum. This fact has special relevance, since refusal to confront these violations resulted in continued Serbian shelling, dozens of civilian deaths and further loss of credibility.

6. We are of the firm view that paragraphs 5 and 6 vastly misrepresent the facts that occurred on 23 April 1994. The Serbian assault on 23 April 1994 was intensified in the late morning and early afternoon, with heavy weapons increasingly used to target civilians. The United Nations/NATO ultimatum was clearly being violated by the Serbian forces. The United Nations/NATO ultimatum (and the threatened response for non-compliance) was not based on Serbian agreement to and subsequent non-compliance with a cease-fire but only on continued Serbian attacks on Gorazde beyond a certain date. On numerous occasions during several weeks prior to that, the Serbian forces had continually committed themselves to cease-fires and routinely ignored these commitments. Mr. Vitaly Churkin, the Special Representative of the Russian Federation, chose to quit any further talks with the "Bosnian Serbs", publicly decrying their repeated lies and saying the time for talking was over. None the less, Mr. Akashi did not accede to the called for NATO response. In our view, this course of action resulted in:

(a) The Serbian forces securing a final few hours beyond the very precise United Nations/NATO ultimatum to rain destruction and brutality upon Gorazde more intensely than ever, while NATO was effectively blocked from the appropriate response;

(b) The unnecessary loss of dozens of civilian lives;

(c) The further and catastrophic erosion of NATO as well as UNPROFOR credibility;

(d) The strengthening of the Serbian perception that they can manipulate the scope and timing of any NATO and/or United Nations response to their actions by a variety of measures, ranging from hostage-taking to effective neutralization of the NATO/UNPROFOR "arrangements" worked out on 2 and 9 August 1993;

(e) Serbian heavy weapons were allowed to be moved unscathed (and in one very shameful circumstance, with the cooperation of UNPROFOR) to attack other targets.

7. We do not believe that Mr. Akashi's meetings in Belgrade contributed to the current relative calm in and around Gorazde. Over several weeks prior to the NATO ultimatum, several mediators held countless meetings with the so-called Bosnian Serbs and the Belgrade leadership. Numerous cease-fires had been committed to, only never to be honoured. Furthermore, UNPROFOR troops had been waiting to move into the Gorazde safe area for some time, only to be repeatedly blocked by the Serbian forces. With all due respect for the efforts of UNPROFOR and many of its committed individuals, the only change in circumstance that has brought about the improvement of the situation in Gorazde is the NATO-backed ultimatum and threat. The Serbian forces knew any obstacle to the appropriate NATO response would have faded in the face of a continuing Serbian onslaught and continuing loss of NATO credibility. All the other measures undertaken by UNPROFOR and other United Nations organs to contribute positively to the situation would not have been possible without the NATO-backed ultimatum. As the Secretary-General will recall from other meetings held in his offices on 18 April 1994 between the Secretary-General, his senior staff and Mr. Ejup Ganic, Ambassador Sacirbey and several of his senior staff, the Secretary-General expressed his frustration and lack of options. Options once again became available after the NATO ultimatum of 22 April 1994.

8. We should also indicate that even the watered-down terms of the NATO ultimatum and cease-fire committed to in Belgrade on 23 April 1994 remain, in key aspects, unimplemented.

9. We also take strong exception to the characterization in the first sentence of paragraph 6 of the Secretary-General's report:

> "Despite a number of violations of the cease-fire attributable to both parties between the afternoon of 23 April and the morning of 25 April 1994, the cease-fire has generally been respected since the latter date with only isolated and sporadic small-arms fire."

First, neither the Government of the Republic of Bosnia and Herzegovina nor its defence forces were a party to or consulted in the cease-fire arrangements in Belgrade on 23 April 1994. This was a matter totally dealt with on a bilateral basis between Mr. Akashi and the Belgrade elements without our knowledge until after the fact. We were not asked to commit ourselves to any cease-fire. The above-referenced sentence in the Secretary-General's report attempts, once again, to equate the aggressor and the victim with the objective of justifying appeasement. The Army of the Republic of Bosnia and Herzegovina fully complied with the terms of resolution 913 (1994) and the NATO ultimatum and undertook no

offensive action. The Army of the Republic of Bosnia and Herzegovina frankly was in no position to undertake any offensive actions.

10. With respect to paragraph 7 of the Secretary-General's report, we inquire as to which "Serb minority" is referred to here. A substantial portion of the Serb population had remained in Gorazde for the past two years of the siege. They were and are an integral part of the community, sharing in the community's shifting fortunes, and indeed many are members of the Army of the Republic of Bosnia and Herzegovina, defending it against the aggressor Serbian forces loyal to Belgrade and its local surrogates. The Government and the Army of the Republic of Bosnia and Herzegovina have all along undertaken the responsibility to maintain the security and confidence of this loyal Serb population. On the other hand, if these are Serb settlers introduced by the occupying Serbian forces as described in paragraph 12 of the Secretary-General's report, then such a continued intrusion would be a violation of numerous United Nations Security Council resolutions and the Geneva Conventions.

11. With respect to paragraph 15 of the Secretary-General's report, the Government of the Republic of Bosnia and Herzegovina has not placed preconditions to its participation in the peace process. Members of our Government, including President Izetbegovic and Prime Minister Silajdzic, have continued to participate in peace efforts as evidenced by meetings held in Geneva on 31 and 14 May with several members of the Contact Group, including United States Secretary of State Christopher, United States Special Representative Charles Redman, and Russian Federation Special Representative Vitaly Churkin. None the less, it is clear that there is no logic in negotiating the terms of an overall cease-fire until the basic terms of the cease-fire around Gorazde are respected.

12. The difficulties and obstacles described in paragraph 18 of the Secretary-General's report, it should be clarified, are exclusively raised by the Serbian forces.

13. With respect to paragraphs 19, 20 and 21 of the Secretary-General's report, there is no requirement under any relevant resolutions or ultimatums for government forces to withdraw from within the safe area or any exclusion zone. Any such offers of withdrawal can only be viewed as accommodations to UNPROFOR and good-will gestures. We are, though, especially puzzled by the first sentence of paragraph 21:

> "As of 18 May 1994, the situation in Gorazde remains one of stalemate, with both parties making claims over the right bank of the Drina river, within the 3-kilometre exclusion zone."

We believe that there is no lack of clarity to the positions evidenced by the Security Council and the United Nations/NATO ultimatum. All areas within the 3-kilometre exclusion zone, including the right bank of the Drina river, were and are part of the Gorazde safe area and the NATO exclusion zone that are to be free of Serbian forces and threats.

III. OBSERVATIONS

14. Opportunity and requisite options exist adequately to address the suffering of Gorazde. They exist in fully implementing the provisions of resolution 913 (1994) and the Gorazde (and other safe areas) exclusion zone of the 22 April NATO ultimatum. Success will not be found in deviating from these hard-thought decisions, but in consistency with the provisions committed to.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative